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CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY: DEPUTY

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff

v.

Edgardo OLIVARES-Rojas
AKA: Jose Guadalupe ESTRADA Jr.

Magistrate Docket No. '07 MJ 2809

COMPLAINT FOR VIOLATION OF:
TITLE 18 U.S.C. § 1544
Misuse of Passport

The undersigned complainant, being duly sworn, states:

On or about **December 4, 2007**, within the Southern District of California, defendant **Edgardo OLIVARES-Rojas AKA: Jose Guadalupe ESTRADA Jr.** did knowingly and willfully use a passport issued or designed for the use of another, with the intent to gain admission into the United States in the following manner, to wit: Defendant applied for entry to the United States by presenting Official U.S. passport number 310080336, issued to Jose Guadalupe Estrada Jr. to a Department of Homeland Security, Customs and Border Protection Officer, knowing full well that he was not Jose Guadalupe Estrada Jr, that the passport was not issued or designed for his use, and that he is not a United States citizen entitled to a U.S. Passport.

All in violation of Title 18, United States Code, Section 1544.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

SIGNATURE OF COMPLAINANT
Mario Avila, United States Customs and
and Border Protection Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 5TH DAY OF **DECEMBER 2007**.

UNITED STATES MAGISTRATE JUDGE

PROBABLE CAUSE STATEMENT & STATEMENT OF FACTS

1. This Affidavit is made in support of a complaint against **Edgardo OLIVARES-Rojas (Defendant), AKA: Jose Guadalupe ESTRADA Jr.** for violation of Title 18, U.S.C., Section 1544, Misuse of a passport.

2. On 12/04/2007, at approximately 0635 hours, Defendant presented himself before a Customs and Border Protection (CBP) Officer at the pedestrian lines of the San Yisdro Port of Entry, to apply for admission into the United States. Defendant identified himself with a U.S. Passport (#310080336), bearing the Jose Guadalupe ESTRADA Jr., DPOB 05/16/1982, California, USA, and a photograph that did not bear Defendant's likeness. The CBP Officer noticed the discrepancy and referred Defendant to secondary for further inspection.

3. On 12/04/2007, Defendant's property was searched and a piece of paper was found. The paper listed the biographical information on the passport in addition to instructions on what to say to the primary CBP Officer.

4. During a videotaped proceeding, Defendant was advised of his Miranda Rights. Defendant acknowledged his rights and elected to answer questions without an attorney present. Defendant admitted he is a citizen and native of Mexico by virtue of birth in Ozumba, Estado de Mexico, Mexico. Defendant admitted his true name is Edgardo OLIVARES-Rojas with date of birth on 07/08/1985. Defendant stated that he is a citizen of Mexico and not a citizen of the United States. Defendant stated that he has never applied for a U.S. Visa or attempted to legally enter the United States. Defendant admitted he was going to pay $3000.00 to some unknown individuals he encountered in Tijuana, Mexico who offered to smuggle him into the United States. Defendant stated one of the unknown men provided him with a piece of paper with the passport's information and instructed him to memorize it. The paper also contained additional personal information to help him gain entry into the United States.

5. Defendant stated that he illegally used the passport, knowing that it was not his and a violation of U.S. Law, to apply for entry into the United States at the San Yisdro Port of Entry. Defendant stated not knowing who the owner of the passport was. Defendant made a sworn written statement admitting to the facts of the case.